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REMARKS

Claims 1, 3 through 6 and 8 through 26 are pending in the application.

Applicants acknowledge with gratitude the Examiner's indication that Claims 10 and 24 are directed to allowable subject matter. Consequently, Claims 10 and 24 have been amended into independent form, including all the limitations of the base claim and any intervening claims. Applicants thus respectfully request allowance of Claims 10 and 24 as amended.

Claim 1 has been amended to reflect that in advantageous embodiments the films of the invention include a hydrolysis stabilizer composition consisting essentially of (1) a bond restoration agent consisting of either monomeric carbodiimides, aromatic polymeric carbodiimides or oxazolines that optionally includes (2) at least one of either a phenolic compound or an organic phosphite. Support for this amendment can be found in the Application-as-filed, for example on Page 5, line 10 through Page 6, line 4.

Claim 1 has been further amended to reflect that in beneficial aspects of such embodiments, the aromatic polymeric carbodiimides have an amino group directly bonded to an aromatic ring. Support for this amendment can be found in the Application-as-filed, for example on Page 6, line 3, noting the use of Stabaxol P®.

Claim 1 has also been amended to recite that the bond restoration agent is present in the film in an amount ranging from about 0.2 to 3 % by weight and that the resulting film exhibits a Yellowness Index of less than 10. Support for this amendment can be found in the Application-as-filed, for example on Page 6, lines 4 through 5 and Page 7, lines 18 through 20.

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Claim 8 has been cancelled without prejudice or disclaimer to the filing of continuing applications thereon.

Claim 26 has been amended to correct a typographical error. More specifically, Claim 26 has been amended to recite "phosphite" in lieu of the recited "phosphate." Support for this amendment can be found in the Application-as-filed, for example on Page 5, lines 22 through 25.

Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

35 U.S.C. § 112

Claims 8 and 28 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants respectfully submit that the cited Claim 28 is a typographical error within the outstanding Office Action, and that the final pending claim, Claim 26, was instead intended.

Regarding Claim 8, Applicants respectfully submit that one skilled in the art would readily be apprised as to the appropriate molecular weights for the polymeric carbodiimides of the advantageous embodiments reflected in Claim 8, without resort to undue experimentation. A highly advantageous polymeric carbodiimide is enumerated within the Application-as-filed on Page 6, lines 1 – 5, for example. Claim 8 has been cancelled without addressing the merits of the rejection, however, solely to advance prosecution of this case. Accordingly, the rejection of Claim 8 has been obviated.

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Claim 26 has been amended to recite "phosphite" rather than "phosphate," thereby addressing a typographical error therein. As noted above, support for this amendment can be found in the Application-as-filed, for example on Page 5, lines 22 through 25. Consequently, Applicants respectfully request withdrawal of this rejection.

The Claimed Invention is Patentable In Light of the Art of Record

Claims 1, 3 through 6, 8, 9, 11 through 23, 25 and 26 stand rejected over Hunter et al., US 5,763,538 ("Hunter") in view of Heltz et al., US 5,733,959 ("Heitz"); Schultze et al., US 6,001,464 ("Schultze"); or Imashiro et al., US 6,126,860 ("Imashiro"); and further in view of Murakami et al., US 4,264,667 ("Murakami"); Yatsu et al., US 4,390,683 ("Yatsu"); Matsumura et al., US 4,517,315 ("Matsumura"); Brozek et al., US 5,138,024 ("Brozek"); Murschall et al., US 5,302,427 ("Murschall"); Anderson, II, US 5,324,467 ("Anderson"); Bland et al., US 5,427,842 ("Bland"); Sommer et al., US 5,457,018 ("Sommer"); Peiffer et al., US 5,468,527 ("Peiffer"); Schuhmann et al., US 5,554,245 ("Schuhmann"); Dries et al., US 5,529,843 ("Dries"); Mortlock et al. US 5,562,984 ("Mortlock"); Rogers et al., 5,804,626 ("Rogers"); Carlson et al. US 5,867,316 ("Carlson"); DeNicola, Jr. et al., US 6,128,023 ("DeNicola"); Wakabayashi et al., US 6,335,336 ("Wakabayashi"); Tojo et al US 6,503,599 ("Tojo ") or Nisshinbo Industries, Inc., EP 0 803 538 ("Nisshinbo").

Applicants respectfully submit that EP 0 803 538, assigned to Nisshinbo Industries, is the European equivalent of US 6,126,860, invented by Imashiro et al. Accordingly, remarks directed to Imashiro are intended to distinguish Nisshinbo, as well.

It may be useful to consider the invention as recited in the claims before addressing the merits of the rejection. The claims are directed to transparent, biaxially oriented films exhibiting a low yellowness index that are formed from at least one

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crystallizable thermoplastic and a hydrolysis stabilizer.

Suitable crystallizable thermoplastics include polyester or copolyester selected from polyethylene terephthalate (PET), polybutylene terephthalate (PBT), bibenzoyl-modified polyethylene terephthalate (PETBB), and bibenzoyl-modified polybutylene terephthalate (PBTBB), which may further include isophthalic acid, *cis*-1,4-cyclohexane-dimethanol (*c*-CHDM), *trans*-1,4-cyclohexane-dimethanol (*t*-CHDM), or a mixture of *cis*-1,4-cyclohexane-dimethanol and *trans*-1,4-cyclohexane-dimethanol (*c/t*-CHDM).

The hydrolysis stabilizer consists essentially of (1) a bond restoration agent consisting of either monomeric carbodiimides, aromatic polymeric carbodiimides having an amino group directly bonded to an aromatic ring, or oxazolines and (2) optionally at least one of either a phenolic compound or an organic phosphate. The bond restoration agent is advantageously present within the film in an amount ranging from about 0.2 to 3 % by weight. Surprisingly, the resulting film exhibits good optical properties, including a low Yellowness Index. In advantageous embodiments the hydrolytically stabilized films of the invention exhibit the recited Yellowness Index of less than 10, for example.

Such beneficial optical properties within the recited hydrolysis stabilized polyester films are altogether surprising in light of conventional wisdom, particularly within the claimed transparent films. Conventional wisdom at the time the present application was filed taught that the recited carbodiimides and oxazolines can have a significant detrimental impact on polyester films, as evidenced by several of the cited references, including the primary reference to Hunter. Hunter more particularly notes that the recited carbodiimides may "adversely affect" properties of the resulting polyester article. ('583, Col. 1, lines 34 – 42). Hence Hunter is driven to develop a glycolic stabilizer, as described below.

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Several of the secondary references also teach away from the use of the recited carbodiimides and/or oxazolines within polyester articles.

Heitz, the initial secondary reference, strongly teaches away from the recited carbodiimides. Heitz expressly notes that conventional aromatic carbodiimides, i.e. carbodiimides having the recited amino group bonded directly to an aromatic ring, are known to induce an "increased tendency to yellowing arising from the high aromatic content of the polycarbodiimide." ('959, Col. 2, lines 40 – 43). Heitz goes on to note that the hydrolysis resistance of known polyester compositions incorporating the claimed conventional polycarbodiimide is "unsatisfactory." ('959, Col. 2, 48 – 50).

Imashiro, another of the secondary references, discloses a further detrimental issue associated with the incorporation of the claimed conventional aromatic carbodiimides into polyesters. Imashiro discloses that aromatic carbodiimides are usually thermosetting, and hence their carbodiimide groups cross-link upon heating and/or when they are kneaded with the resin, such as during blending. This cross-linking induced by the carbodiimides causes the viscosity of the resulting mixture to increase or induces lump-like domains that are non-uniformly dispersed. Consequently, Imashiro asserts that the recited aromatic carbodiimides may have "no desirable effect of hydrolysis stabilization." ('860, Col. 1, line 64 – Col. 2, line 3).

Imashiro also strongly teaches away from the recited oxazolines, noting that "oxazolines have no sufficient effect of improving the hydrolysis resistance, increase the melt viscosity of the resin and deteriorate the moldability, so that they [i.e. oxazolines] have no practical useability." ('860, Col. 1, lines 60 – 64).

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Accordingly, none of the foregoing primary or secondary references teaches or suggests the incorporation of the recited bond restoration agents within polyester or copolyester films having a Yellowness Index of less than 10.

And none of the remaining secondary or tertiary references teaches or suggest the incorporation of the recited bond restoration agents as hydrolysis stabilizers within transparent terephthalate-based polyester films, much less that such films would exhibit a Yellowness Index of less than 10. Accordingly, Applicants respectfully submit that the claimed invention is patentable in light of the art of record, based on this distinguishing feature alone.

Out of an abundance of caution, however, a more detailed discussion of each of the cited references is provided below, highlighting additional distinguishing features.

As noted in Applicants Amendment of March 4, 2004, Hunter is directed to glycol-based hydrolytic stabilizers for use within polyester resin. Hunter appears primarily directed to fibers. (Examples 1 – 14). As noted above, Hunter teaches away from the use of carbodiimides within polyester. In lieu of conventional hydrolysis stabilizers, Hunter requires a polyalkylene glycol or an alkoxy end-capped polyalkylene glycol as a "first compound" to improve hydrolytic stability. (Col. 2, lines 32 - 34). Hunter then goes on to note a laundry list of optional secondary stabilizers, including glycidyl ethers and aziridines. (Col. 1, lines 61 - 65). Hunter is silent as to the recited oxazolines, hindered phenols or organic phosphites, although providing an extensive list of recommended secondary stabilizers. Hunter is also silent as to the optical properties of the resulting articles, in particular the resulting transparency and Yellowness Index.

Applicants respectfully submit that Hunter, requiring the incorporation of a particular glycolic hydrolysis stabilizer, does not teach or suggest the recited hydrolysis

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stabilizer consisting essentially of (1) a bond restoration agent consisting of either monomeric carbodiimides, aromatic polymeric carbodiimides or oxazolines, and (2) optionally at least one of either a phenolic compound or an organic phosphite. In fact, Hunter strongly teaches away from such a hydrolysis stabilizer by requiring a particular hydrolysis stabilizer, e.g. polyalkylene glycol, that is touted to overcome issues addressed with the recited carbodiimides. Hunter further does not teach or suggest the recited transparent films that exhibit a Yellowness Index of less than 10.

According, Applicants respectfully submit that Hunter does not teach or suggest the claimed invention, considered either alone or in combination with the art of record.

Of the remaining secondary and tertiary references, only Heitz, Shultze, Imashiro and Rogers even note the use of carbodiimides. Each of these references likewise fails to teach or suggest the claimed invention, however.

Heitz is directed to polyester molding compositions incorporating a particular carbodiimide that does not have an amino group bonded directly to an aromatic ring. (Col. 1, lines 5 – 25). Heitz more particularly incorporates carbodiimides that have “sterically hindered isocyanate, urea and/or urethane groups bonded to a methylene group.” (Col. 5, lines 48 – 50). Heitz emphasizes the uniqueness of his specific carbodiimides by touting them to be “at least comparable with that of aromatic carbodiimides and aromatic polycarbodiimides which are used in industry,” i.e. the recited conventional carbodiimides. (Col. 5, lines 50 – 53). As noted above, Heitz actually teaches away from the recited conventional carbodiimides by purporting that (a) their highly aromatic character induces yellowing (b) the processing of the resulting resin compositions gives rise to toxicological hazards and (c) the hydrolysis resistance within the resulting article is unsatisfactory. (Col. 2, lines 40 – 50). Heitz includes his carbodiimides within resins in an amount of up to 7 % by weight. (Col. 4, lines 47 – 48).

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Accordingly, Heitz does not teach or suggest the recited aromatic polymeric carbodiimides having an amino group directly bonded to an aromatic ring. Heitz further does not teach or suggest the recited hydrolysis stabilizer consisting essentially of a bond restoration agent consisting of the claimed carbodiimides or oxazolines and optional phenolic compound and/or organic phosphite. Nor does Heitz teach or suggest films including bond restoration agent in an amount ranging from about 0.2 to 3 % by weight. And Heitz most certainly does not teach or suggest that such films would exhibit a Yellowness Index of less than 10. In fact, Heitz teaches away from such a recitation by noting that the claimed conventional carbodiimides increase yellowness in the resulting article.

Accordingly, Applicants respectfully submit that the claimed invention is patentable in light of Heitz, considered either alone or in combination with the art.

Schultze is directed to nonporous polyetherester films that have been made breathable by the inclusion of polyurethane. (Col. 3, lines 30 – 34). Schultze generally notes that hydrolysis stabilizers and/or antioxidants may be included within the film, in unspecified amounts. (Col. 4, lines 26 – 29). Exemplary hydrolysis stabilizers include hydroxyethyl ureas. (Col. 4, lines 30 – 32). Exemplary antioxidants include substituted amines. (Col. 4, lines 33 – 34). Schultze is generally silent as to the optical properties of his films, noting only that the films are opaque. (Col. 5, lines 20 – 21).

Applicants respectfully submit that Shultze does not teach or suggest polyester films, much less the claimed transparent polyester films. Shultze further does not teach or suggest transparent films including a hydrolysis stabilizer consisting essentially of (1) a bond restoration agent consisting of either monomeric carbodiimides, aromatic polymeric carbodiimides or oxazolines and (2) an optional phenolic compound and/or

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an organic phosphite. Nor does Shultze teach or suggest the incorporation of such bond restoration agents within the claimed transparent film in an amount ranging from about 0.2 to 3 % by weight, and most certainly not such films exhibiting the recited Yellowness Index of less than 10.

Imashiro is directed to particular hydrolysis stabilizers derived from either 4,4'-dicyclohexylmethane diisocyanate or isophorone diisocyanate. (Col. 2, line 54 – Col. 3, line 1). The hydrolysis stabilizers of Imashiro may be incorporated into an ester group-containing resin, such as polyester polyurethane. (Col. 2, lines 39 – 42). The stabilizer may be incorporated in amounts of up to 5 % by weight. (Col. 6, lines 39 – 40). As noted above, Imashiro strongly teaches away from the recited aromatic polycarbodiimides and oxazolines. (Col. 1, line 50 – Col. 2, line 3). Imashiro broadly notes that with an unspecified adjuvant may be incorporated along with his stabilizers. (Col. 6, lines 29 – 33). Imashiro is silent as to the resulting optical properties of the film. Imashiro's resins may be processed into films having a relatively high thickness of about 500 μm (Examples 3 and 4).

Applicants respectfully submit that Imashiro does not teach or suggest the claimed transparent polyester films. Imashiro further does not teach or suggest transparent films including a hydrolysis stabilizer consisting essentially of (1) a bond restoration agent consisting of either monomeric carbodiimides, aromatic polymeric carbodiimides or oxazolines, and (2) an optional phenolic compound and/or an organic phosphite. In fact, Imashiro teaches away from the claimed bond restoration agents altogether. Nor does Imashiro teach or suggest the incorporation of bond restoration agent within the claimed transparent film in an amount ranging from about 0.2 to 3 % by weight, and most certainly not such films exhibiting the recited Yellowness Index of less than 10.

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Rogers is directed to polyethylene naphthalate ("PEN") compositions exhibiting improved hydrolysis resistance. (Col. 2, lines 24 – 26). Rogers is more specifically directed to resins based on naphthalenedicarboxylic acid, especially, naphthalene-2,6-dicarboxylic acid, and ethylene glycol. (Col. 2, lines 29 – 33). The resins further contain a polymeric carbodiimide, as a stabilizer, in amounts of up to 5 % by weight. (Col. 3, lines 6 – 7). Rogers provides a laundry list of additional blend modifiers that may be included within the resin, such as polyamides and the like. (Col. 7, lines 7 – 27). Rogers is silent as to the optical properties of the resulting articles.

Rogers, directed to PEN compositions, does not teach or suggest the recited polyester or copolyesters, considered alone or in combination with the art of record. Rogers further does not teach or suggest such polyester or copolyester films incorporating a hydrolysis stabilizer consisting essentially of (1) a bond restoration agent consisting of either monomeric carbodiimides, aromatic polymeric carbodiimides or oxazolines that may further include (2) at least one of either a phenolic compound or an organic phosphite. Nor does Rogers teach or suggest the claimed films incorporating the recited bond restoration agent in an amount ranging from about 0.2 to 3 % by weight, and most certainly not such films exhibiting the recited Yellowness Index of less than 10.

The remaining tertiary references do not teach or suggest the recited bond restoration agents. Accordingly, the remaining references cannot recognize the expected detrimental impact of the recited bond restoration agents upon polyester films, particularly transparent films, that is addressed by the claimed invention.

Murakami is directed to films containing a block copolyester with hard and soft segments, along with a sulfonic acid metal salt and/or a phosphoric acid metal salt as antistatic agent. (Col. 2, lines 30 – 40). Murakami generically notes the use of

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antioxidants, but provides no specific examples (Col. 7, lines 8 - 11). Murakami does not contemplate or even suggest hydrolysis stabilizers. Murakami is further silent as to the optical properties of his films.

Yatsu is directed to self-extinguishing films formed from polyphenylene terephthalate containing resorcinol. (Col. 1, lines 5 - 10). Yatsu merely broadly notes that his films may contain stabilizers "normally used" for polyesters, in amounts of up to 5%. (Col. 8, lines 6 - 16). Yatsu is likewise silent as to the optical properties of his films.

Matusumura is directed to a process for the production of a film-like structure formed from an aromatic polyester including a melt viscosity-reducing agent. During the process, low-molecular-weight compounds are virtually completely extracted from the stretched film-like structure with an organic solvent. (Col. 1, lines 5 - 13). Matsumara does not teach or suggest the recited hydrolysis stabilizers within polyester films. In fact, Matsumara teaches away from using low-molecular weight hydrolysis stabilizers, such as the recited monomeric carbodilimides, as they would be removed by Matsumara's required extraction step. Matsumara further does not note the optical properties of his films.

Brozek is directed to specific copolyesters incorporating a sulfonic acid salt and poly(ethylene) glycol. (Col. 2, lines 13 - 19). Brozek further generally notes the incorporation of stabilizers and antioxidants within his films (Col. 7, lines 40 - 45 and Col. 9, lines 61 - 65). Brozek does not teach or suggest the use of carbodilimides or oxazolines. Brozek's films do purportedly exhibit "excellent clarity." (Col. 4, lines 64 - 66). Brozek is silent as to the Yellowness Index, however.

Anderson discloses a multilayer laminate film comprising a polypropylene layer

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adhered to a copolyester layer (Col. 2, lines 44 - 48). Anderson generically notes that polypropylene layer may contain "stabilizers." (Col. 3, lines 1 - 5). Anderson does not provide exemplary stabilizers, however. Anderson further notes that his films are "optically transparent." Anderson does not disclose the Yellowness Index of his films, however.

Bland discloses a tear-resistant film comprising more than five layers. The layers are made from a stiff polyester or copolyester and a ductile polymeric material (Col. 3, lines 34 - 39). Each of the layers may contain any of a laundry list of conventional additives, including colorants, extenders, plasticizers and the like. (Col. 11, lines 3 - 9). Although providing a broad list of additives, Bland is nevertheless silent as to hydrolysis stabilizers. In particular, Bland is silent as to the recited bond restoration agents. Bland is further silent as to the optical properties of his films, including the Yellowness Index.

Sommer discloses a biaxially stretched polyester film having "an improved covering power" that can be used as a replacement for PE paper (Col. 1, line 45 and Col. 6, line 4). Consequently, Applicants respectfully submit that the films of Sommer are not transparent. Sommer employs the film as a support material in a photographic material, which comprises at least one photographic emulsion layer and, optionally, interlayers and protective layers (Col. 6, lines 9 - 19). Sommer generically notes that "stabilizers" may be added to the silver halide emulsions. (Col. 7, lines 63 - 65). Sommer then goes on to disclose that the photographic emulsion layer, not the biaxially stretched film layer, may contain dye stabilizers (Col. 11, lines 37 - 46). Sommer similarly notes that the photographic emulsion layer may include a hardener. (Col. 11, lines 47 - 67) There is no disclosure that these additives could be incorporated in the polyester support material. Sommer is silent as to the Yellowness Index of his polyester supports.

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Mortlock teaches films used as electrical insulators, e.g. in electric motors or electric capacitors (Col. 1, lines 3 - 8). Mortlock incorporates antioxidant into his films. (Col. 1, lines 30 - 34) Exemplary antioxidants include sterically hindered phenols and phosphates (Col. 2, lines 36 - 49). Mortlock similarly does not teach or suggest the beneficial bond restoration agents of the invention, however. Mortlock describes his films as generally translucent or opaque (Col. 3, lines 27 - 38). Applicants respectfully submit that Mortlock's films are not transparent within the meaning of the claimed invention. Mortlock is further silent as to the Yellowness Index of his films.

Carlson is directed to a diffusely reflective film comprising a continuous matrix and inclusions dispersed therein (Col. 4, lines 64 - 67). Carlson is primarily directed to films formed from PEN. (Col. 13, lines 23 - 35). For example, Carlson discloses films made from a blend of 75 percent by weight of PEN as the continuous phase and 25 percent by weight of polystyrene. The optical properties of the film are asymmetric, i.e. In one direction it is highly reflective whereas in a direction perpendicular thereto it is much less reflective. The film as taught by Carlson is thus not a transparent film as recited in the claimed invention. Contrary thereto, the presently claimed film is highly transparent, which means it has a high light transmittance of over 80 % in any direction (see Present Specification, Paragr. 27). Carlson notes the incorporation of a laundry list of additives, including antioxidants. (Col. 18, lines 16 - 24). However, Carlson does not teach or suggest the recited bond restoration agents, although providing an extensive list of suitable additives. Carlson further does not disclose the yellowness index of his films.

Wakabayashi et al. discloses a multilayer packaging film comprising a core layer of a specific polytetramethyleneterephthalate resin and, on both surfaces of the core layer, a layer based on a polyolefin resin. (Col. 2, lines 5 - 12 and Col. 8, lines 34 - 37) Wakabayashi notes the addition of other substances to the core, including an

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antioxidant or a heat stabilizer. (Col. 4, lines 14 – 17). Although providing specific exemplary antioxidants, Wakabayashi does not teach or suggest the recited bond restoration agents. Wakabayashi further does not note the Yellow Index of his films.

Tojo is directed to magnetic recording media having a specified surface roughness, Young's modulus and heat shrinkage. (Col. 2, lines 12 – 33) Tojo notes that the media may contain an antioxidant, such as a hindered phenol (Col. 3, lines 1 – 2). Tojo does not teach or suggest the recited bond restoration agents, however. Nor does Tojo disclose the Yellowness Index of his films.

The remaining tertiary references are even further removed from the claimed invention. In addition to their lack of teaching or suggestion as to bond restoration agents, the remaining tertiary references are each directed to polyolefin films, an altogether different field of endeavor from the recited polyester-based films.

Applicants further respectfully submit that such polyolefin films would be processed at significantly lower temperatures than the recited polyester based films. Yellowness issues within resins are exacerbated by elevated temperatures, such as the elevated manufacturing temperatures associated with polyester-based films, as known in the art. Consequently, Applicants respectfully submit that references directed to polyolefin films (i.e. the remaining references) would not likely not even recognize yellowing as an issue, as evidenced by their lack of disclosure as to the yellowness index associated with their films.

Murschall teaches a process for the production of olefinic films. The multilayer film comprises at least one outer heat-sealable layer which in turn contains a polydiorganosiloxane. (Col. 2, lines 15 – 40). Murschall generically notes that stabilizers may be incorporated into the film. (Col. 8, lines 43 – 47). Murschall

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discloses the formation of a transparent film. (Col. 2, lines 16 – 16). Murschall does not note the incorporation of the beneficial bond restoration agents of the claimed invention, however. Murschall is further silent as to the Yellowness Index of the films.

Peiffer is directed to polyolefin films comprising a base layer of polypropylene and a not heat-sealable outer layer. (Col. 1, lines 9 – 13). Peiffer broadly notes the incorporation of "stabilizers," more specifically disclosing the use of Irganox® 1010 stabilizer. (Col. 5, lines 6 – 10 and Col. 7, lines 45 - 56). Peiffer does not note the incorporation of the recited bond restoration agents within polyester films, however. Nor does Peiffer note the Yellowness Index of his films.

Dries and Schuhmann are directed to multilayered olefinic films comprising a polypropylene base layer and a heat-sealable polyolefinic top layer.

Dries notes that his films may be either transparent or opaque. (Col. 2, lines 45 – 48). Dries broadly notes that his films may contain "stabilizers." (Col. 6, lines 18 – 44). Dries then goes on to note the use of phenolic stabilizers. (Col. 8, lines 3 – 9 and Col. 10, lines 5 – 9). Dries does not, however, teach or suggest the beneficial bond restoration agents of the claimed invention. Dries further does not note the Yellowness Index of his films.

Schumann makes reference to the incorporation of "antioxidants," including both primary and secondary antioxidants. (Col. 4, lines 3 – 17). Schumann notes that his films are transparent. (Col. 5, line 44). Schumann does not teach or suggest the beneficial bond restoration agents of the claimed invention. Nor does Schumann note the Yellowness Index associated with his films.

DeNicola is directed to a polyolefin laminates used to form boat hulls and the like.

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(Col. 1, lines 5 – 27). DeNicola notes that UV stabilizer may be included within the polyolefin. (Col. 15, lines 11 – 25). DeNicola does not teach or suggest the recited bond restoration agents. Nor does DeNicola disclose the Yellowness Index of his films.

Based on the foregoing, Applicants respectfully submit that the claimed invention is patentable in light of the art of record, considered either alone or in combination.

Applicants further respectfully submit that there would have been no motivation to have combined these references. Applicants respectfully submit that merely because the references can be combined is not enough, there must still be a suggestion. MPEP 2143.01 (section citing Mills). Applicants further respectfully submit that the Office Action is indulging in an impermissible hindsight analysis by merely picking and choosing elements from the numerous pieces of prior art while using the instant specification as the guide for that selection process. As noted above, conventional wisdom at the time the application was filed was that incorporation of the recited conventional carbodiimides and/or oxazolines within polyester articles was highly problematic, as evidenced by several of the cited references.

However, even if the references were combined (which Applicants submit should not be done), the claimed invention would not have resulted. More particularly, the combination would not result in the claimed transparent films formed from polyester or copolyester in which the film includes a hydrolysis stabilizer consisting essentially of (1) a bond restoration agent consisting of either monomeric carbodiimides, aromatic polymeric carbodiimides having an amino group directly bonded to an aromatic ring, or oxazolines in which the bond restoration agent is present within the film in an amount ranging from about 0.2 to 3 % by weight and the film exhibits a Yellowness Index of less than 10.

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Accordingly, Applicants respectfully submit that all of pending Claims 1, 3 through 6, 9, 11 through 23, 25 and 26 are patentable in light of the art of record, considered either alone or in combination.

Conclusion

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1, 3 through 6 and 9 through 26 are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary to allow consideration of this paper, the fees are hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,



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(See attached Limited Recognition Form)

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